

## REMARKS

Claims 1-6 are pending in the application.

Claims 2-6 are allowed.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Von Ahnen (U.S. 6,205,152).

Applicant's claim 1 recites: congestion information extracting means for extracting congestion information from data of one network of said frame relay network and said ATM network. This congestion information extracting means is to extract the congestion information. The congestion information is information that can change on a time basis. However, in contrast to the cited reference which recites CIR, the packet size or bandwidth always remains unchanged. Therefore, these are entirely differed from the claimed invention.

The Office Action asserts with regard to claim 1 in paragraph 2 of sub-paragraph 2, that Von Ahnen teaches, in Fig. 5 box 404, congestion information extracting means for extracting congestion information from the data of one network of the frame relay network and ATM network, as recited in claim 1 of the present application.

When referring to the description of column 7, lines 38-45 of Von Ahnen which is relating to the explanation of Fig. 5, traffic control processor 207 sends selected portions of connecting information, such as connection CIR and packet size, to traffic manager 206 in order to determine if sufficient bandwidth is available for that connection.

And, in step 404, the traffic manager 206 uses the connection information to verify if sufficient bandwidth is available.

As pointed out above applicant's claimed congestion information is information that can change on a time basis, but the CIR, the packet size or bandwidth always remains unchanged.

It is respectfully submitted that the portions of box 404 of Figure 5 of Von Ahnen do not disclose or suggest the operation of extracting the congestion information. Because Von Ahnen does not disclose the congestion information extracting means of claim 1 of the present application the rejection of claim 1 should be withdrawn.

In addition, in rejecting claim 1 in paragraph 2 of sub-paragraph 3, the Office Action points out that mode setting means recited in applicant's claim 1 is disclosed in Fig. 3 box 207, column 8, lines 2-7 of Von Ahnen.

Von Ahnen describes the traffic control processor 207 at column 8, lines 2-7 is to continue transmitting the data frame to the ATM network, discard some or all of the data frame and re-transmit at least a portion of the original data frame in accordance with the frame relay network.

In contrast applicant's claim 1 mode setting means sets a mode for deciding the congestion information to be written into the data for transmitting.

It is respectfully submitted that Von Ahnen does not disclose the mode setting means of claim 1, and the rejection should be withdrawn..

In rejecting claim 1 in paragraph 2 of sub-paragraph 4, the Office action asserts that congestion information writing means recited in claim 1 of the present application is disclosed at column 6, lines 7-10 of Von Ahnen. In this column the reference describes that communications between the frame relay network and an ATM network is conducted across a PCI bus. However, there is no description in the section of the reference, which suggests that congestion information


of one network may be written into data of the other network in accordance with a mode set-by-set mode setting means.

It is respectfully submitted Von Ahnen does not disclose that congestion information of one network may be written into data of the other network in accordance with a mode set-by the mode setting means accordingly, Von Ahnen and the invention of claim 1 are clearly structurally distinguished.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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